

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-6116 of 2018 (O&M)

Date of Decision: 28.03.2018

Dr. Rajnish Arora

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Pankaj Jain, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. J.S.Bedi, Senior Advocate with
Mr. S.S.Brar, Advocate,
for respondent No.2.

TEJINDER SINGH DHINDSA, J.

Instant petition has been filed under Section 439 Cr.P.C. seeking release of the petitioner pending investigation in case FIR No.01 dated 04.01.2018, under Sections 409/120-B IPC, Section 13 (1) (d) read with Section 13 (2) of Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, District Jalandhar.

Counsel for the parties have been heard.

Petitioner is the Ex Vice Chancellor of I.K.Gujral Punjab Technical University, Kapurthala (Jalandhar) (hereinafter referred to as the 'University').

FIR has been registered pertaining to complaints regarding financial and administrative irregularities having been

committed in the University during the tenure of the present petitioner as Vice Chancellor. It is alleged that certain Coordinators and Facilitators were appointed by the petitioner arbitrarily and in violation of the Rules of the University and consequently payments in crores of rupees having been made over to them.

That apart instances have been cited of Vishwadeep, Assistant Registrar (ad hoc), Marginder Singh Bedi, Assistant Training and Placement Officer, Sunil Sharma, Assistant Director Cultural Activities, Smt. Geetika Sud, Legal Officer (regular) and Aseem Sharma, Programmer (regular) and it is asserted that the selection and appointments of the aforementioned officials were in violation of the Rules.

Furthermore a private Company i.e. NET IIT was engaged and huge consultancy fees of crores has been released without following financial Rules and thereby causing huge loss to the University. In furtherance of such allegation, it has been stated that as per agreement dated 27.08.2012 executed between the University and M/s NET IIT a decision was taken to pay 8% of the admission fee as consultancy fees and such 8% of the admission fee was paid out of the share which was otherwise payable to regional center and learning centers.

An affidavit dated 10.09.2012 is stated to have been filed by the Chief Secretary, State of Punjab-cum-Board of Governors of the University before this Court containing a decision to annul the decision of appointment of Consultants in the

University. However, the appointment was not annulled and consultant M/s NET IIT continued to receive payments for works till December 2014. M/s NET IIT is stated to have been released a total payment of Rs.25 crores approximately.

In a nutshell allegation against the petitioner is that he in connivance as also in conspiracy with certain officials has misused his financial and administrative powers while functioning as Vice Chancellor of the University.

Mr. J.S.Bedi, learned Senior counsel representing Dr. N.P.Singh/respondent No.2 has vehemently opposed the prayer for bail by stating that it was respondent No.2 who had in fact pointed out the financial and administrative irregularities committed by the petitioner and as such was instrumental in getting the matter to the notice of the Hon'ble Governor in the capacity of Chancellor of the University and which had led to the marking of an inquiry at the hands of Sh. S.S.Dhillon, retired IAS Officer. Learned Senior counsel would contend that there are very serious allegations of administrative irregularities and misappropriation of funds of the University and the culpability of the same would completely rest on the shoulders of the petitioner as all administrative and financial decisions were taken at his behest. It is argued that against the enormity of the scam and the serious allegations, petitioner is not entitled to the benefit of bail.

Senior counsel representing the petitioner would argue that the complaints made by respondent No.2 against the petitioner are not bona fide. It is submitted that respondent No.2

while serving the University had been placed under suspension during the tenure of the present petitioner as Vice Chancellor and was reinstated only after the new regime took over. Complaints against the petitioner are stated to be mischievous and ill motivated.

On merits, Senior counsel has adverted to proceedings of the 44th meeting of the Board of Governors of the University dated 05.10.2011 and whereby under Item No.44.6, the Board had authorized the Vice Chancellor of the University to make appointments on ad hoc/contract basis. Further argued that the appointments made by the petitioner in the capacity of Vice Chancellor had been placed for consideration before the Board of Governors and the appointments were duly approved. As regards payments having been released in favour of the Coordinators and Facilitators, it has been urged that payments were released to such agencies even after petitioner had relinquished the charge of the post of Vice Chancellor. Counsel submits that the entire gamut of allegations against the petitioner would be based on documentary evidence.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab does not rebut the contention raised on behalf of the petitioner that the Investigating Agency is seized of the entire documentary evidence. He further admits that investigation conducted uptill now have revealed that decisions taken by the petitioner during his tenure as Vice Chancellor and against the backdrop of the allegations upon which the FIR is founded had been taken before

the Board of Governors for approval.

Learned State counsel has been candid in not opposing the prayer made in the instant petition.

Petitioner has faced incarceration since 08.01.2018.

The last extension granted to him on the post of Vice Chancellor expired in December, 2014. Petitioner was relieved of the charge of the post of Vice Chancellor on 16.01.2015.

It is not the case made out that petitioner if granted benefit of bail would be in a position to hamper as also derail the course of a free and fair investigation.

In the considered view of this Court, no useful purpose will be served by keeping the petitioner in custody any further.

This Court would desist from making any observations on the merits of the case lest the same may influence the course of investigation.

In view of the discussion above and the categorical stand taken on behalf of the State while not opposing the prayer in the instant petition, prayer is allowed.

Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

28.03.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No